


NEVADA COUNTY AIRPORT LAND USE COMMISSION

Files: 40.1

MEMORANDUM

TO: The Nevada County Airport Land Use Commission

FROM: Daniel B. Landon, Executive Director 

SUBJECT: PUBLIC HEARING – Restructure Fee Schedule for the Nevada County Airport Land Use Commission

DATE: November 3, 2010

ACTION REQUESTED: Staff requests the Nevada County Airport Land Use Commission (NCALUC) hold a public hearing and adopt Resolution 10-02 to restructure the fees charged by the NCALUC.

BACKGROUND: The NCALUC adopted a fee schedule on May 19, 2010 (Resolution 10-01 attached) based on the fee schedules of Placer, El Dorado, and Foothill Airport Land Use Commissions. Since that time, staff has received two items to review for the Truckee Tahoe Airport Land Use Commission and one for the NCALUC. The two Truckee Tahoe items were very simple and straight forward and the amount of staff time used to complete the reviews fit well with the amount of the fee required. However, considering the complexity of the NCALUC item, the *Loma Rica Ranch Specific Plan Draft Environmental Impact Report*, it was apparent staff needs additional resources to provide a comprehensive and complete review of that project.

Public Utilities Code (PUC) Section 21671.5(f) allows ALUCs to charge project proponents for the cost of project reviews, and states that fees "shall not exceed the estimated reasonable cost of providing the service". After considering the potential complexity of specific plans, zoning changes, general plans, and airport master plans, and comparing the ALUC fees charged in Riverside, Solano, Stanislaus, and Tulare Counties, staff believes it would be prudent to restructure the NCALUC Fee Schedule. Government Code Section 66018 (a) requires that a public hearing be held prior to adopting a new fee or approving an increase in an existing fee.

To insure that the categories in the proposed NCALUC Fee Schedule are consistent with language in the PUC, staff has combined "EIR Review, Development Plans, Use Permits, Minor Subdivisions, Major Subdivisions, and Notice of Preparation" from the existing fee schedule into a new category, "Regulations, Permits & Other Actions". The new category eliminates the need to define the parameters of the previous categories (for example, what constitutes a minor or major subdivision) and encompasses review of all plans or actions that may be requested by either a project proponent or local agency.

In order to develop a fee that covers the cost of providing reviews without overcharging project proponents, staff is recommending a fee schedule with two parts. The first component is a non-refundable deposit designed to cover the cost of staff time, preparation of necessary notices, and the cost of holding required meetings. The proposed deposit amounts reflect an average staff cost of \$50

per hour. Estimated staff time is three hours to review airport master plans, rezoning, regulations, permits, other actions, and to determine if further technical review is needed. Five hours of staff time is estimated to review specific plans and general plans.

If it is determined that staff needs technical assistance to complete the review, then the second component of the fee, an "Estimated Additional Charge", would be required to proceed. Once the estimated additional charge has been received from the proponent, the needed consulting or contract services will be provided on a "time and materials" basis. NCTC staff will monitor this additional review process to keep the cost reasonable. After the project review is completed, the applicant will either receive a bill for an additional amount due or a refund depending on the actual costs incurred. Any time the cost of a review reaches 80% of the deposited amount, the applicant will be notified that additional payment may be required upon completion of the review.

The Executive Director recommends that the fee schedule below be adopted for the Nevada County Airport Land Use Commission, and that the fee schedule shall be reviewed annually or upon recommendation of the Executive Director.

NEVADA COUNTY AIRPORT LAND USE COMMISSION FEE SCHEDULE November 17, 2010		
CATEGORY	DEPOSIT ¹	ESTIMATED ADDITIONAL CHARGE ²
Rezoning	\$150	\$2,500
Regulations, Permits & Other Actions	\$150	\$2,500
Specific Plans	\$250	\$2,500
General Plan Amendments/Updates	\$250	\$2,500
Airport Master Plan Consistency	\$150	\$2,500
¹ The Deposit is the minimum charge and is non-refundable.		
² If review of the proposed project requires that outside consulting or other contract services be obtained, the Estimated Additional Charge must be deposited before the application can be considered complete. After the project review is completed, the applicant may receive a bill for additional payment due or a refund, depending on actual costs incurred. When the cost of review reaches 80% of the deposited amount, the applicant will be notified that additional payment may be required at completion of the review.		

**RESOLUTION 10-01
OF THE
NEVADA COUNTY AIRPORT LAND USE COMMISSION**

**RESOLUTION OF THE NEVADA COUNTY AIRPORT LAND USE COMMISSION
ESTABLISHING FEES**

WHEREAS, on May 19, 2010, the Nevada County Transportation Commission, through adoption of Resolution 10-29 accepted the designation as the Airport Land Use Commission (ALUC) for the Nevada County Airport; and

WHEREAS, the California Public Utilities Code Section 21671.5 (f) states, in part:

"The Commission may establish a schedule of fees necessary to comply with this Article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code;" and

WHEREAS, the prevailing fees charged by the previously existing Foothill ALUC are a reasonable basis for the fees to be charged by the Nevada County ALUC for its review functions.

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Airport Land Use Commission establishes the following schedule of fees and that the schedule be reviewed annually or upon recommendation of the Executive Director.

NEVADA COUNTY ALUC FEE SCHEDULE	
EIR Review	\$400
Rezoning	\$250
Development Plans	\$250
Use Permits	\$150
Minor Subdivisions	\$150
Major Subdivisions	\$400
Notice of Preparation	\$ 55
General Plan Updates	\$400
Airport Master Plan Consistency	\$500

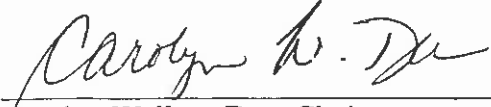
PASSED AND ADOPTED by the Nevada County Airport Land Use Commission on May 19, 2010 by the following vote:

Ayes: Commissioners Beason, Dee, Harris, Jostes, Poston, Scofield

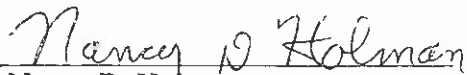
Noes: None

Absent: Commissioner Guerra

Abstain: None



Carolyn Wallace Dee, Chairman
Nevada County Airport Land Use Commission

Attest: 

Nancy D. Holman
Administrative Services Officer

**RESOLUTION 10-02
OF THE
NEVADA COUNTY AIRPORT LAND USE COMMISSION**

RESOLUTION UPDATING THE NEVADA COUNTY AIRPORT LAND USE COMMISSION FEE SCHEDULE

WHEREAS, on May 19, 2010, the Nevada County Transportation Commission, through adoption of Resolution 10-29 accepted the designation as the Airport Land Use Commission (ALUC) for the Nevada County Airport; and

WHEREAS, the California Public Utilities Code Section 21671.5 (f) states, in part:

"The Commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code;" and

WHEREAS, on May 19, 2010, the Nevada County Airport Land Use Commission (NCALUC) adopted Resolution 10-01 establishing the NCALUC Fee Schedule based on the fee schedules of Placer, El Dorado, and Foothill Airport Land Use Commission; and

WHEREAS, in consideration of the potential complexities of specific plans, zoning changes, general plans, and airport plans, and the fees of other counties, a restructuring of the fees has been recommended; and

WHEREAS, in compliance with Government Code Section 66018 (a), a public hearing has been conducted prior to the adoption of the updated fee schedule.

NOW THEREFORE BE IT RESOLVED, that the Nevada County Airport Land Use Commission approves the following schedule of fees and establishes that the schedule shall be reviewed annually or upon recommendation of the Executive Director.

NEVADA COUNTY AIRPORT LAND USE COMMISSION FEE SCHEDULE November 17, 2010		
CATEGORY	DEPOSIT¹	ESTIMATED ADDITIONAL CHARGE²
Rezoning	\$150	\$2,500
Regulations, Permits & Other Actions	\$150	\$2,500
Specific Plans	\$250	\$2,500
General Plan Amendments/Updates	\$250	\$2,500
Airport Master Plan Consistency	\$150	\$2,500
¹ The Deposit is the minimum charge and is non-refundable. ² If review of the proposed project requires that outside consulting or other contract services be obtained, the Estimated Additional Charge must be deposited before the application can be considered complete. After the project review is completed, the applicant may receive a bill for additional payment due or a refund, depending on actual costs incurred. When the cost of review reaches 80% of the deposited amount, the applicant will be notified that additional payment may be required at completion of the review.		

PASSED AND ADOPTED by the Nevada County Airport Land Use Commission on November 17, 2010
by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Carolyn Wallace Dee, Chairman
Nevada County Airport Land Use Commission

Attest: _____
Nancy D. Holman
Administrative Services Officer

